

**From:** Eric Rehnke  
**To:** Microsoft ATR  
**Date:** 12/11/01 2:01pm  
**Subject:** Microsoft Settlement

Thank you for allowing the public to comment on the appropriate remedies to help mitigate the damage done by The Microsoft Company to its competition in the past and into the future.

To begin with, I was particularly vexed by the fact that the government case against Microsoft seemed to center around the theory that it was bad to embed the added functionality of an internet browser into the operating system itself. I felt that although this was happening and a case could be made that this was a bad thing, the far greater threat from Microsoft was always in the restraint of trade area, where Microsoft threatened to stop Compaq from bundling Windows 95 with Compaq computers unless Compaq ceased bundling the Netscape browser with its computers. But, that is water under the bridge.

Please make sure that Microsoft is forced to share information that will allow the not-for-profit organizations that created and continue to support such applications such as APACHE, SAMBA, LINUX, PERL and other such software to interoperate with Microsoft products. These software applications have the best chance of competing with Microsoft in an open marketplace and Microsoft is already expending much of its resources to fight against these OPEN SOURCE "enemies" of Microsoft market domination. This is the area of the "remedies" that need to be opened up so as to allow these not-for-profit organizations to have free access to the information they need to support their software systems.

The following text has been copied from the Dec. 6 2001 column by Robert X. Cringely:

".....

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..."

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft "middleware." In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at

this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

....."

In closing, if only one thing can be done to force Microsoft to fairly compete in the marketplace, PLEASE ALLOW NOT-FOR-PROFIT ORGANIZATIONS OPEN ACCESS TO THE INFORMATION THEY NEED TO INTEROPERATE WITH MICROSOFT OPERATING SYSTEMS AND APPLICATIONS.

Thanks for you consideration,

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